

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90270 of 2025

Arising Out of PS. Case No.-737 Year-2025 Thana- SIKARPUR District- West Champaran

1. Sarvesh Kumar @ Sarvesh Prasad @ Sarvesh Kumar Prasad S/o- Late Amerika Sah Village- Lachhanauta Police station- Gaunaha District- West Champaran
2. Ashok Kumar @ Ashok Prasad S/o- Rajendra Prasad R/v- Bishunpurwa Sisawaniya Ps- Adapur Dist- East Champaran
3. Guriya Devi @ Sweta Kumari W/o- Ashok Kumar @ Ashok Prasad R/v- Bishunpurwa Sisawaniya Ps- Adapur Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bashishtha Narayan Mishra, Advocate Mr. Brij Kishor Mishra, Advcoate
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP
For the Informant	:	Mr. Umesh Chandra Verma, Advocate Mr. Hemant Ray, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 20-02-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners apprehend their arrest in connection with Shikarpur P.S. Case No.737 of 2025 registered for the offences under Sections 80, 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case is to the effect that the informant has alleged that all the named accused persons have connived together and had killed the daughter of the informant. It is alleged that the daughter had earlier made a call and said



that she was being tortured and subsequently they came to know that she had died at the house at Narkatiaganj, where she was living along with her husband.

4. Learned counsel for the petitioners submits that the petitioners happen to be the brother-in-law (Bhaisur), Nandosi and Nanad of the deceased. It has further been submitted that mere suspicion has been raised against the petitioners are general and omnibus allegations. It has next been submitted that the petitioners do not have any concern with the matrimonial life of the deceased with the co-accused Nitesh Kumar, as it is admitted that the deceased was living with Nitesh Kumar at a rented house at Narkatiaganj. It has further been submitted that by any stretch of imagination the petitioner cannot be attributed to being in connivance with the other accused persons in the killing of the daughter of the informant. It has lastly been submitted that the husband of the deceased is in custody and the petitioners carry clean antecedents. It has also been submitted that co-accused, who were agnates, have been granted bail by this Hon'ble Court vide order date 15.01.2026 passed in Cr. Misc. No. 85485 of 2025.

5. Learned APP for the State and learned counsel for the informant have opposed the prayer for anticipatory bail and



have stated that the petitioners, being the family members, were fully involved in committing torture as well as demanding dowry, and thereafter the daughter of the informant was killed.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties and taking into account the fact that the petitioners are the in-laws and admittedly the deceased was staying in a rented house along with her husband, let the petitioners above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Shikarpur P.S. Case No.737 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.



(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of their bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for anticipatory bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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